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1632  
IFW

**PATENT**  
Attorney Docket No. P2133CON  
Client Reference No. DM-3341; JHU101.1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Levitsky et al.

Art Unit: 1632

Application No. 09/992,443

Examiner: Li, Q. J.

Filed: November 16, 2001

For: A UNIVERSAL IMMODULATORY CYTOKINE-  
EXPRESSING BYSTANDER CELL LINE AND  
RELATED COMPOSITIONS AND METHODS OF  
MANUFACTURE AND USE

**NOTICE OF APPEAL FROM THE  
EXAMINER TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner mailed December 17, 2003, finally rejecting claims 1-14, 17-28, 40-47 and 50-53 as evidenced by the Advisory Action mailed May 3, 2004.

The items checked below are appropriate:

**1. Status of Applicants**

This application is on behalf of ☐ other than a small entity or ☒ a small entity.

**2. Fee for Filing Notice of Appeal**

Pursuant to 37 CFR 1.17(b), the fee for filing the Notice of Appeal is for: ☐ other than a small entity or ☒ a small entity.

05/21/2004 CNGUYEN 00000073 09992443

**Notice of Appeal Fee due \$165.00**

01 FC:2401  
02 FC:2252

165.00 OP  
210.00 OP

**CERTIFICATE OF MAILING**

I hereby certify that this document (along with any documents referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: May 17, 2004

*Angelica Diaz*

**3. Extension of Time**

- ☒ Applicants petition for a two-month extension of time under 37 CFR 1.136, the fee for which is \$210.00.
- ☐ An extension for one month has already been secured and the fee paid therefor of \$110.00 is deducted from the total fee due for the total amounts of extension now requested.
- ☐ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicants have inadvertently overlooked the need for a petition and fee for extension of time.

**Extension fee due with this request: \$210.00**

**4. Total Fee Due**

The total fee due is:

Notice of Appeal Fee	\$165.00
Extension Fee (if any)	\$210.00

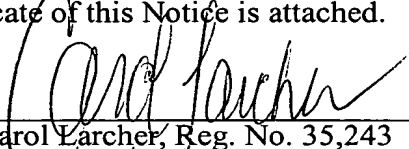
**Total Fee Due: \$375.00**

**5. Fee Payment**

- ☒ Attached is a check in the sum of \$375.00.
- ☐ Charge Account No. 07-0181 the sum of \$ . A duplicate of this transmittal is attached.

**6. Fee Deficiency**

- ☒ If any additional fee is required in connection with this communication, charge Account No. 07-0181. A duplicate of this Notice is attached.

  
\_\_\_\_\_  
Carol Larcher, Reg. No. 35,243  
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Date: May 17, 2004



Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (6-98)

Approved for use through 09/30/2000. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	<b>Application Number</b>	09/992,443	
	<b>Filing Date</b>	November 16, 2001	
	<b>First Named Inventor</b>	Levitsky et al.	
	<b>Group Art Unit</b>	1632	
	<b>Examiner Name</b>	Li, Q. J.	
<b>Total Number of Pages in This Submission</b>	3	<b>Attorney Docket Number</b>	P2133CON

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Response  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input checked="" type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application)  <input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Revocation of Former Power of Attorney and New Power of Attorney <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 5px; margin-top: 5px;">Postcard</div>
<b>Remarks</b>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Carol Larcher, Reg. No. 35,243 Gardner Carton & Douglas LLP
Signature	
Date	May 17, 2004

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on this date May 17, 2004.			
Typed or printed name	Angelica Diaz		
Signature		Date	May 17, 2004

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